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GOVERNOR



STATE OF HAWAII
PUBLIC UTILITIES COMMISSION
DEPARTMENT OF BUDGET AND FINANCE
465 S. KING STREET, #103
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JANET E. KAWELO
COMMISSIONER

March 9, 2005

To the Parties:

Re: Docket No. 05-0002, In the Matter of Public Utilities Commission Instituting a Proceeding to Investigate the Issues and Requirements Raised by, and Contained in, Hawaii Revised Statutes 486H, as Amended.

On March 1, 2005, the Commission issued Information Requests (PUC-IR-1 through PUC-IR-9) to the Parties, excluding the Consumer Advocate. The Commission requested the information be provided by March 10, 2005. By letter dated and filed on March 3, 2005, Shell Oil Company ("Shell") requested an extension of time, until March 31, 2005, to respond to the Commission's information requests. By letter dated and filed on March 8, 2005, the Hawaii Petroleum Marketers Association ("HPMA"), among other things, requested a similar extension of time until March 31, 2005, to respond to the Commission's information requests. By letter dated and filed on March 8, 2005, Tesoro Hawaii Corporation ("Tesoro") requested an extension to respond to the Commission's information requests, until March 31, 2005.

Based on the above mentioned letters, the Commission extends the deadline for responding to the information requests two (2) weeks until March 24, 2005.

HPMA, through its March 8, 2005 letter also voiced its concerns regarding Order No. 21669, filed on March 1, 2005, which approves in part and modifies in part the Parties' Stipulation for Protective Order. HPMA objects to inserted paragraphs 16 and 17 insofar as those paragraphs state, "The confidential information shall continue to be treated as confidential until the protection conferred by this protective order (or any other applicable protective order) is terminated by the producing party, or until further order of the Commission." HPMA requests the commission reconsider these modifications to the protective order and provide the parties with further guidance and assurance as to when and how the Commission may order the termination of the protections and mechanisms for ensuring the confidentiality of the information provided by the parties.

The Commission like any other adjudicatory body, must be able to make a determination as to the validity of any claimed confidentiality. Pursuant to Hawaii Administrative Rules ("HAR") § 6-61-50, the Stipulation for Protective Order is accepted

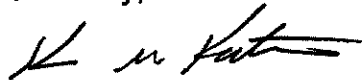
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in lieu of motions for protective order. However, since the document or information to be protected is not specifically identified at the time of the adoption of the Stipulation for Protective Order, the Party asserting the confidentiality still bears the burden of establishing that the information should be protected. Accordingly, the Commission will maintain its ability to make the determination as to the validity of the claim of confidentiality pursuant to HAR § 6-61-50.

The Commission will continue its practice, to allow the Party claiming the privilege or confidentiality an opportunity to hear prior to any determination as to validity of any claim confidentiality.

If you have any questions, please contact Kevin Katsura at (808)586-2019. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "K. M. Katsura", written in a cursive style.

Kevin M. Katsura
Commission Counsel

KMK:eh

Parties

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